

ORIGINAL

FILED

February 4 2010

IN THE SUPREME COURT OF THE STATE OF MONTANA

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

No. DA 09-0470

STATE OF MONTANA,

Plaintiff and Appellee,

v.

JAMES LEON ALLEN,

Defendant and Appellant.

FILED

FEB - 4 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

**MOTION FOR EXTENSION OF TIME
AND AFFIDAVIT IN SUPPORT**

COMES NOW, Joslyn Hunt, counsel of record for Defendant and Appellant, and respectfully requests an extension of time until March 22, 2010, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Respectfully submitted this 4th day of February, 2010.

OFFICE OF THE STATE PUBLIC DEFENDER
Appellate Defender Office
139 N. Last Chance Gulch
P.O. Box 200145
Helena, MT 59620-0145

By: *Joslyn Hunt*
JOSLYN HUNT
Chief Appellate Defender

STATE OF MONTANA)
 : ss.

County of Lewis and Clark)

I, Joslyn Hunt, being first duly sworn upon my oath, depose and state as follows:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Office of State Public Defender, Appellate Defender Office, as the Chief Appellate Defender.

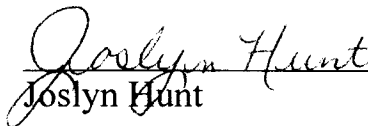
2. In my capacity as Chief Appellate Defender, I have assigned Chase Naber, Assistant Appellate Defender to the above-entitled matter.

3. The Appellant's opening brief currently is due on February 8, 2010.

4. Counsel asks for a 45-day extension in this matter for Ms. Naber just began working for the Appellate Defender Office on January 19, 2010, and needs additional time to complete the Appellant's opening brief and speak with her client.

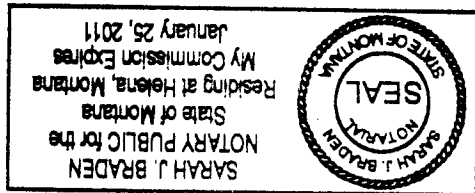
5. Opposing counsel has been contacted concerning this motion and does not object.

6. Further your affiant sayeth naught.



Joslyn Hunt

SUBSCRIBED AND SWORN to before me this 4th day of February,
2010.



Sarah J. Braden
Sarah J. Braden

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing
Motion for Extension of Time and Affidavit in Support to be mailed to:

STEVE BULLOCK
Montana Attorney General
MARK MATTIOLI
Assistant Attorney General
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401

JOHN T. FLYNN
Broadwater County Attorney
P.O. Box 96
Townsend, MT 59644-0096

JAMES ALLEN
P.O. Box 1833
East Helena, MT 59635

DATED: 2/4/2010 Sarah J. Braden